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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,240	08/24/2001	John W. Davies	38190/206669	2206

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EXAMINER

TORRES, MELANIE

ART UNIT PAPER NUMBER

3683

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/939,240

Applicant(s)

DAVIES ET AL.

Examiner

Melanie Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11,12,19-21,23,25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11,12,19-21,23,25 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 6, 11, 19-21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Post et al. in view of EP 0223268.

Re claims 1, 4, 6, 19-21, and 25, Post et al. teach a bearing assembly comprising a pair of bearing members (12, 14) movable relative to one another, the pair including a first member and a second member that define a space therebetween, at least the first member having a bearing surface having a relatively thin coating of a PTFE-based material (20) thereupon and a grease lubricant occupying the space defined between the first member and the second member, wherein the PTFE-based material and the grease lubricant act in conjunction with one another to lubricate the first and second members. Post et al. does not teach wherein the PTFE-based material thickness has a thickness of about 0.003-0.007 inches. EP 0223268 teaches a PTFE-based material thickness of about 0.003-0.007 inches. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the material thickness of EP 0223268 in the bearing assembly of Post et al. in order to provide additional wear resistance. Further, it has been held that where general conditions of a

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claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Re claims 4 and 11, Post et al. teaches wherein the first member (12) is formed from the group consisting of steel, titanium, aluminum, nickel, bronze and alloys thereof.

Re claim 6, Post et al. teaches wherein the coating is a self-lubricating material.

Re claims 21, and 25, it would have been obvious to have provided the first and second members spaced by a distance between 0.006 inch and 0.008 inch since it has been held that where general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

3. Claims 7, 8, 20, 23, and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Post et al. in view of EP 0223268 and further in view of Whitworth (US 3,974,988).

Re claims 7, and 20, Post et al. as modified above teaches all the limitations except wherein the bearing assembly is for a truck pivot joint bearing. Whitworth teaches a bearing assembly is for a truck pivot joint bearing. (Figure 5) It would have been obvious to have provided the bearing of Post et al. as modified above in the landing gear of Whitworth in order to provide additional lubrication to the joint.

Re claims 8, 23, and 27, see above.

1. Claims 2, 5, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Post et al. as modified above and further in view of Furukoshi et al.

Re claims 2, and 9, Post et al. does not teach wherein the coating is a PTFE-based material having a solid particulate in a form selected from the group consisting of flocked, powdered, fibrous, flaked, or beaded. Furukoshi et al. teach wherein the coating is a PTFE-based material having a solid particulate in a form selected from the group consisting of flocked, powdered, fibrous, flaked, or beaded. (Column 3, lines 23-33) It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the PTFE-based material of Furukoshi et al. since powdered PTFE-based materials are well known for lubricating bearing elements.

Re claims 5 and 12, Furukoshi et al. teach sliding bearing comprising a seal (17) positioned in the space defined between first and second members. It would have been obvious to include a seal in the assembly of Post et al. as modified so as to reduce the amount of debris that would interfere with the operation of the bearing.

Response to Arguments

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4. Applicant's arguments with respect to claims 1, 2, 4-9, 11, 12, 19-21, 23, 25 and 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

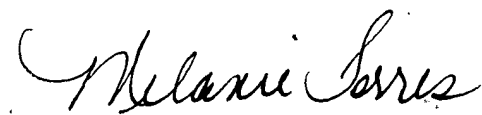
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (571)272-7127. The examiner can normally be reached on Monday, 6:00 AM - 4:30 PM, Tuesday, 6:00 - 12:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571)272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT
October 17, 2006


Melanie Torres
Primary Examiner
10-17-06